

***Village of Barrington  
Zoning Board of Appeals  
Minutes Summary***

Date: December 2, 2003

Time: 7:00 p.m.

Location: Village Board Room  
200 South Hough Street  
Barrington, Illinois

In Attendance: Robert Henehan, ZBA  
Ryan Julian, ZBA  
Bruce Kramer, ZBA  
Victoria Perille, ZBA  
Peg Moston, ZBA

Staff Members: Jeff O'Brien, Acting Senior Planner  
Erin Emerick, Recording Secretary

***Call to Order***

Chairperson Henehan called the meeting to order at 7 p.m. Roll Call noted the following: Patricia Pokorski, Chair, absent; Ryan Julian, present; Bruce Kramer, present; Peg Moston, present; Victoria Perille, present; and Robert Henehan, present. There being a quorum established, the meeting proceeded.

***Chairperson's Remarks***

Mr. Henehan stated the order of the evening's agenda.

***New Business***

**ZBA 03-13 Marathon Oil (504 East Main Street)**

Petitioners: Jerry Figliulo, W-T Consulting; Mike Maude, Jr., Patterson Construction Company; Ken Kearns, Prairie State Enterprises

Mr. Henehan announced the proceedings for the public hearing. He swore in all who would be speaking on the petition.

Mr. Figliulo stated that the property is now owned by Prairie State Oil.

Mr. Figliulo gave a brief overview of project. He noted that the service bays will be removed and the building and canopy will be re-imaged into a Marathon station. Mr. Figliulo noted that the signage was redone a couple years ago. He noted that this project included new landscaping, 2 variations – one for the setback of the main identification sign, and an additional sign (he indicated the sign's location on the site plan).

Mr. O'Brien presented the Staff Report. He noted that the petition met all of the standards for a special use and variations. Mr. O'Brien stated that staff was recommending approval of the petition subject to several conditions.

Mr. Henehan asked about the site's parking configuration.

Mr. O'Brien said the petitioner revised their plans with signage and striping on the ground to indicate no parking. He noted that this was the traffic consultant's recommendation.

Ms. Moston asked why staff was requiring the pump topper signs to be removed.

Mr. O'Brien talked about island signage. He noted that the Zoning Ordinance regulations do not allow logos and signage on the pumps. He noted that most gas stations have not complied with that, but are subject to the same

requirement. Mr. O'Brien noted that state and federal government regulations require certain signage, but advertisements are not allowed on pumps.

Mr. Figliulo stated that Shell does have signage there and it is on the top and is illuminated and theirs would not be illuminated.

Mr. Figliulo asked Mr. O'Brien why other gas stations had pump topper signage.

Mr. O'Brien explained that the regulation was passed with the 2001 Zoning Ordinance revision. He noted that most of the gas stations had not re-imaged since that time. Mr. O'Brien stated that the other gas stations would now be subject to the same regulations.

Mr. Figliulo stated that they were in objection to not having that signage because every other gas station in town has that. He stated that the current signage will be replaced with non-illuminated signage on top of the pump. Mr. Figliulo stated that the petitioner was going with smaller Marathon logos than Marathon had requested to downplay the signage. Mr. Figliulo said that instead of using bright white, the canopy and associated signage would be cream color that is consistent with building.

Ms. Moston asked if the regulation applied to only pumps or the pumps and the canopy.

Mr. O'Brien said that signage was allowed on the canopy, but not on the pumps.

Mr. Julian asked if it is not enforced.

Mr. O'Brien said the Village has not approved a permit for signage on the pump tops since the Zoning Ordinance was put into effect; however, some gas station owners may not have come in for permits. He stated that, unfortunately, the Building & Planning staff was too small and too busy to police new signage. Mr. O'Brien stated that the department relies on complaints from residents and neighboring businesses to catch violators.

Mr. Julian stated that he is concerned about the fairness issue, he noted that staff needs to go back and tell those that are violating it to stop. He noted that all businesses needed to be treated in a fair manner. He noted that showing that it is out there should be enough to help enforce the law. He asked if this was recent addition to the ordinance.

Mr. O'Brien stated that it was new as of 2001.

Mr. Figliulo stated that the other Marathon (Ela Rd and Northwest Highway) was re-imaged a year ago.

Mr. Julian asked if the staff has a commitment to enforcing the signage issue.

Mr. O'Brien said yes they would look at certain ones (examples that were mentioned at meeting) to enforce the ordinance because there was sufficient evidence. He noted that if the gas stations have not re-imaged recently, then staff can't enforce the ordinance.

Mr. Julian asked about re-imaging. He stated that the Zoning Ordinance still prohibits signage on the pump toppers and if the Village wants to allow it, then it needs to go back and change the ordinance.

Mr. Figliulo stated that the petitioners are significantly toning down the signage and it is not even illuminated.

Mr. Henehan stated that he thought the Phillips 66 gas station on North Hough Street had just undergone a re-imaging.

Mr. O'Brien said he would have to go out and look at the site, but he was also under that impression.

Mr. Henehan clarified about the request at tonight's meeting – he said they are dealing with 2 variations as well as a special use.

Mr. Figliulo stated that they were just informed that they were in violation with the pump signage, so they were going to request a variation.

Mr. Julian said they should not grant that variation because that is allowing another violation, but they should go after the others that are in violation.

Mr. Kearns stated that they would drop the variation request but would want the staff to go after these stations in violation.

Mr. O'Brien noted that staff would go after all of the sites mentioned at the meeting, but there was no proof on other gas stations violating the ordinance.

Mr. Kearns asked about detail on bottom of pump. He noted that there were trademark clauses that caused gas stations to identify what gasoline is in the pump.

Mr. O'Brien stated the provision in the Zoning Ordinance.

Mr. Kearns said according to the state, they have to have no smoking signs and stop engine signs, etc. He wanted staff to clarify what would be allowed.

Mr. O'Brien stated that those signs are permitted.

Mr. Kearns mentioned a separate sign is required by the fire marshal and that a logo cannot be on signs indicating self serve, no smoking, and stop engine.

Mr. O'Brien said everything that is required by the state and federal government is permitted by the ordinance.

Mr. Kearns stated there would be external sign that will not say Marathon. He noted that the pump itself has Marathon decals and this is something they would like to see.

Mr. O'Brien said he would have to turn to Jim Wallace to do interpretations of ordinance.

Mr. Julian said he would be okay with that as long as everyone is treated fairly.

Ms. Moston's only concern is that the pump must state that this is Marathon Oil. She thinks that the ordinance does not make sense if it says they cannot put a label on the pump.

Mr. O'Brien stated that his reading of ordinance would mean that topper on pump (white Marathon sign) would be the part that designates self or full service, the sign on pump itself is probably not subject to the regulations.

Mr. Julian stated there is an interpretation and everyone should comply with it.

Mr. Kramer said sometimes they have situations because company does not want to remodel. He noted that some companies never change anything and the existing site deteriorates.

Ms. Moston asked what other conditions the petitioner might have a problem with.

Mr. Figliulo stated that there were none.

Mr. Henehan asked if they get enough traffic to go in the gas station to have the parking space they want.

Mr. Kearns says paying at the pump (credit card) creates shorter lines inside and people are more likely to come inside the station to get something. He noted that the petitioner will remodel and expand and offer walk-in coolers.

Mr. Kearns said they have scanning systems, so customers are in and out very quickly.

Mr. Henahan said he thinks 2 motions should be made tonight - 1 for the special use and 1 for the variations.

Ms. Perille said some conditions apply to special use.

Mr. O'Brien said they all apply to special use.

Mr. Julian asked if at some point they decide to change the sign, if they will have to come in and amend the special use and/or variations

Mr. O'Brien stated that as long as they were keeping the same sign fixtures and sizes there was no to amend the special use and variations.

There was further discussion about how the motion should be made.

Mr. Julian moved and Ms. Moston seconded a motion to recommend approval of ZBA 03-13, adopting staff's findings of fact as the ZBA's findings, to the Board of Trustees with the following conditions:

1. The proposed ground sign on the northwest side of the property shall be no taller than nine (9) feet as measured from pre-construction grade to the top of the sign box.
2. The "Marathon" wall sign on the west building elevation shall be relocated to the south building elevation.
3. The proposed "Combo Special" changeable copy sign on the south building elevation shall be removed.
4. All proposed "Marathon" signage and logos on the pump islands shall be removed from the plans per Chapter 4, Part IV, Section 4.13-23 Subsection C of the Village of Barrington Zoning Ordinance.
5. The petitioner shall submit a final landscape plan indicating the plants and landscaping materials that will be used in the Northwest Highway right-of-way. The landscaping materials shall be consistent with the plantings along the northwest side of the Northwest Highway right-of-way.
6. All planting of trees, shrubs, ground cover, perennials, and sod shall be performed at the appropriate season.
7. The petitioner shall be required to enter into a maintenance agreement with the Village to ensure proper maintenance and up-keep of all landscape features.
8. The petitioner shall provide a fire sprinkler and fire alarm system at their sole expense.
9. Exterior changes to the building and the canopy signage shall meet the zoning requirements for the B-1 General Business Service District and the requirements and conditions of a Certificate of Approval.

Roll Call vote noted the following: Julian- yes, Kramer- yes, Moston- yes, Perille- yes, Henahan- yes.

Motion passes 5-0.

Mr. O'Brien stated that the petition would be considered by the Board on January 12, 2004.

Mr. Julian asked when they planned to start construction.

Mr. Kearns stated in the spring of 2004.

### ***Approval of Minutes***

Ms. Perille moved to approve 2004 meeting schedule. Ms. Moston seconded. Julian- yes, Kramer- yes, Moston- yes, Perille- yes, Henahan- yes.

Motion passes 5-0.

*January 7, 2003 minutes:* Mr. Henahan said he was not sure what to do about these minutes because Ms. Pokorski had edited them and she was not present at this meeting.

Mr. O'Brien said they should probably defer because Ms. Pokorski was not there.

*November 4, 2003 minutes:* Mr. Henehan stated that he could not find anything wrong in that meeting's minutes. Mr. Julian moved to approve. Kramer seconded. Julian- yes, Kramer- yes, Moston- yes, Perille- yes, Henehan- yes. Motion passes 5-0.

**ADJOURNMENT**

MOTION: Mr. Julian moved to adjourn. Mr. Henehan seconded. Voice vote recorded all yes. The meeting was adjourned at approximately 7:50 pm.

Respectfully submitted,  
Erin Emerick, Recording Secretary

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Robert Henehan, Acting Chairperson  
Zoning Board of Appeals